

In regard to Groups I and II, the Office has characterized the relationship between these two groups as "process of making and product made." Citing MPEP §806.05(f), the Office suggests the product as claimed can be made by another and materially different process such as "by thermally treating the dispersion on the substrate to a non-sinterin temperature". However, there is no evidence of record to show that the claimed products could be made as the Office has alleged. If, in fact, the claimed product can be made by a the alleged process, the Office has failed to show that this alleged process of is materially different from the claimed process. Moreover, the claims of Group II depend directly from the claims of Group I. Accordingly, Applicants respectfully submit that the Restriction Requirement is unsustainable, and it should therefore be withdrawn.

The Office has characterized the inventions of Group I and Group IV as related as product and process of use. Citing MPEP §806.05(h), the Office concludes that the "layers as claimed can be used with materials of high coefficients of expansion." However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed use of the claimed composition "with materials of high coefficients of expansion" is materially different from the claimed use. Moreover, the claims of Group IV depend directly from the claims of Group I. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

The Office has characterized the inventions of Group I and Group III as related as combination and subcombination. Citing MPEP §806.05(c) the Office suggests that the " the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a proportion of powder between 0.1 to 60%. The

subcombination has separate utility such as a material to make a non layered free standing ceramic body." However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Moreover, the claims of Group III depend directly from the claims of Group I. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

The Office has characterized the inventions of Groups II and III as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office concludes that "the process of group II and the dispersion of group III are unrelated since the process of group II is directed to preparing the layer of group I only." However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion.

Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected group be found allowable, non-elected process claims should be rejoined.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No.: 24,618

Vincent K. Shier, Ph.D.
Registration No.: 50,552

PHONE NO.: (703) 413-3000



22850

FAX NO.: (703) 413-2220
NFO:VKS
E:\218230US0X-RR resp.wpd